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Attorney for Plaintiff PRO 49 DEVELOPMENT, LLC

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

PRO 49 DEVELOPMENT, LLC, a  
California limited liability company,

Plaintiff,

v.

NESS EXPRESS 1, LLC, a Delaware  
limited liability company; ADAM  
DECKER, an individual; JOSEPH  
DECKER, an individual; TOMMY'S  
EXPRESS LLC, a Michigan limited  
liability company; RYAN  
ESSENBURG, an individual; and  
DOES 1 through 100, inclusive,

Defendants.

**CASE NO.: 2:24-cv-01850-JAM-JDP**

**[Removed from Placer County Superior  
Court, Case No. S-CV-0052813]**

**STIPULATION AND ORDER TO  
DISMISS ACTION WITH PREJUDICE**

Plaintiff Pro 49 Development, LLC and Defendants Ness Express 1, LLC; Ness Express Holdings LLC; Adam Decker; Joseph Decker; Tommy's Express LLC; and Ryan Essenburg, through their respective counsel hereby enter the following joint stipulation:

Pursuant to Rule 41(a)(1)(A)(ii), the parties hereby stipulate to the dismissal of the above-entitled action, with prejudice as to all claims, causes of action, and parties, and with each party bearing that party's own attorneys' fees and costs.

**IT IS SO STIPULATED.**

Date: 9/9/25

By: /s/ Alexander Kandel  
Alexander Kandel  
Attorney for Plaintiff Pro 49 Development, LLC

Date: 9/9/2025

FERGUSON CASE ORR PASTERSON LLP  
By: /s/ Leslie McAdam  
Leslie A. McAdam  
Norry S. Harn  
Attorneys for Defendants Ness Express 1, LLC; Ness Express Holdings, LLC; Adam Decker; and Joseph Decker

Date: 9/9/2025

BAKER & MCKENZIE LLP  
By: /s/ Nancy Sims  
Nancy Nguyen Sims  
Attorneys for Defendants Tommy's Express LLC and Ryan Essenburg

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**ORDER**

This case is **DISMISSED with prejudice** as to all claims, causes of actions and parties. Each party shall bear that party's own attorneys' fees and costs. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

**IT IS SO ORDERED.**

Dated: October 08, 2025

  
JOHN A. MENDEZ,  
SENIOR UNITED STATES DISTRICT JUDGE